

IN THE U.S. PATENT AND TRADEMARK OFFICE

LARGE ENTITY TRANSMITTAL FORM

January 30, 2004

Transmitted herewith is Statement Regarding the Substance of the Interview in the above-identified application.

- The fee has been calculated as shown below:


	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR		PRESENT EXTRA	RATE	ADDITIONAL FEE
TOTAL	14	-	20	=	0	\$ 18	\$0.00
INDEPENDENT	2	-	3	=	0	\$ 86	\$0.00
<input type="checkbox"/> FIRST PRESENTATION OF A MULTIPLE DEPENDENT CLAIM						\$290	\$0.00
						TOTAL	\$0.00

- ☐ Petition for () month(s) extension of time pursuant to 37 C.F.R. §§ 1.17 and 1.136(a). \$0.00 for the extension of time.
- ☒ No fee is required.
- ☐ Check(s) in the amount of \$0.00 is(are) enclosed.
- ☐ Please charge Deposit Account No. 02-2448 in the amount of \$0.00. This form is submitted in triplicate.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By 
Joe McKinney Muncy, #32,334

MaryAnne Armstrong, PhD., #40,069

KM/MAA/csm
4730-0101P

P.O. Box 747
Falls Church, VA 22040-0747
(703) 205-8000

Attachment(s)

(Rev. 09/30/03)



PATENT
4730-0101P

IN THE U.S. PATENT AND TRADEMARK OFFICE

Applicant: VOLLENBROICH et al. Conf.: 9955
Appl. No.: 09/242,343 Group: 1648
Filed: April 12, 1999 Examiner: Z. Lucas
For: NEW ANTIVIRAL LIPOPEPTIDES, AND A METHOD
OF INACTIVATING LIPID-ENVELOPED VIRUSES
USING LIPOPEPTIDES

STATEMENT REGARDING THE SUBSTANCE OF THE INTERVIEW

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

January 30, 2004

Sir:

Applicant's representative would like to thank Examiner Lucas and his supervisor Examiner Housel for the very useful interview of December 11, 2003. During the interview Applicant's representative discussed the outstanding rejections in the application, with a focus on the prior art rejection. Specifically, the following issues were discussed during the interview.

1) Rejection over Itokawa et al. - During the Interview, Applicant's representative stated that the only disclosure in Itokawa et al. regarding HIV activity was the brief statement that moderate anti-HIV activity was observed in the XTT assay and that when Itokawa et al. is read in view of Weislow et al., only

moderate anti-viral activity was reported after exposure to the lipopeptides for 7 days at 37°C. Based on these findings, one skilled in the art would not expect to be able to achieve effectively 100% viral inactivation after only 2 hours at room temperature. It was further argued that the cellular assays of Itokawa et al. are not indicative of direct viral inactivation, as achieved with the invention.

2) Issues under 35 U.S.C. §112 -

a) The rejection regarding the recitation of "reducing the viral titer by a factor of approximately 10^4 or greater" was further discussed during the interview. The Examiners suggested that to address this issue claim 1 be amended, in part, to simply recite,

A method of ~~rendering~~ inactivating substantially all lipid-enveloped viruses in a composition comprising at least one isolated protein ~~substantially free of lipid-enveloped viruses by reducing the viral titer by a factor of approximately 10^4 or greater,~~ which comprises...

The Examiner's supervisor indicated that the factor by which the viral titer is reduced is an inherent feature of the cyclic lipopeptides and does not need to be recited in the claims.

b) Regarding the amendments to claim 2, the Examiners questioned where support may be found for the recitation of two steps for viral inactivation. Applicant's representative indicated that the specification would be reviewed regarding this issue.

These issues will be further addressed in a formal supplemental response, which will be filed in the near future.

If any questions remain regarding the above matters, please contact Applicant's representative, MaryAnne Armstrong, PhD (Reg. No. 40,069), in the Washington metropolitan area at the phone number listed below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By maas
Joe McKinney Muncy #32,334

MaryAnne Armstrong, PhD #40,069

P.O. Box 747
Falls Church, VA 22040-0747
(703) 205-8000

KM/MAA/